

Translation

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PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 62893	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/050741	International filing date (day/month/year) 21 octobre 2003 (21.10.2003)	Priority date (day/month/year) 25 octobre 2002 (25.10.2002)
International Patent Classification (IPC) or national classification and IPC H03M 11/26		
Applicant THALES		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 05 avril 2004 (05.04.2004)	Date of completion of this report 02 August 2004 (02.08.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-9, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-4, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/3-3/3, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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PCT/EP 03/50741

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-4	YES
	Claims		NO
Inventive step (IS)	Claims	1-4	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

2. Citations and explanations

1. The prior art, which is described in the present application (see page 2, line 5 to page 3, line 9), is considered to constitute the prior art closest to the subject matter of claim 1.

In the aforementioned passages, the applicant describes a dual incremental optical angular encoder that includes the features in the preamble of claim 1. Said encoder does not contain any means for comparing the sequences of at least four consecutive states of the two groups of photoelectric cells. What is more, the prior art does not contain any means for validating the indications provided by the two groups when the sequence for one group is either identical to, or at most one state ahead of or behind, the sequence of the other group.

It follows that the subject matter of claims 1-4 is novel (PCT Article 33(2)).

2. The problem that the present invention is intended to solve is that of monitoring the reliability of the data provided by the angular encoder.

3. None of the prior art documents indicates or discloses the solution proposed in the present application. As a result, the solution to said problem, as proposed in independent claims 1 and 4 of the present application, is considered to involve an inventive step (PCT Article 33(3)).

Claims 2-3 are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.

4. For the purpose of the regional phase procedure, it would be preferable if the applicant were to cite a document reflecting the closest prior art as described in the application (PCT Rule 5.1(ii)).